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% 10.01.2007

Present: Dr.Sarabjeet Sharma with Mr. Gurinder Pal Singh, Adv. for the petitioner.

+CM(M) No.41/2007

1. Order impugned dated 5.10.2006 has been passed by the 1st Appellate Court rejecting petitioner's claim under Order 41 Rule 27 CPC. By and under the said application, petitioner wanted to lead additional evidence.

2. Suit commenced with the landlord seeking a decree of the ejectment and mesne profits against the petitioner. In respect of the mesne profits awarded by the learned Trial Court, petitioner wanted to lead evidence pertaining to the leases of other properties in the colony in question, stating though leases were executed when he led evidence, certified copies of the deeds were obtained after filing of the appeal.

3. The learned Appellate Judge has opined that if additional evidence could be led on these kinds of pleas, suits for ejectment and mesne profits would never see the end of the day for the reason, virtually every month properties in colonies are let out. Either party would move application to lead additional evidence to show the current rentals.

4. No merits.

5. Dismissed.

January 10, 2007
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PRADEEP NANDRAJOG, J

Signature Not Verified

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